

Bald Eagle Rule SFWMD



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Background



- Federal government and the state of Florida have removed the bald eagle from list of threatened and endangered species.
- Bald eagle is currently included in District rules as a listed species and, therefore, our rules must be updated to remove the bald eagle from that list.

Background



- Bald eagles are found throughout the state;
- Population does not experience extreme fluctuations in distribution or numbers;
- Estimated number of adults has increased more than 300% during past three eagle generations; and
- Population is not projected to experience significant declines over next three eagle generations



FWC Rules Regarding Protection for Bald Eagle

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To continue to protect the bald eagle and its habitat, the FWC has:

- Implemented a permitting program pertaining to the bald eagle;
- Adopted Bald Eagle Management Guidelines which include protections for bald eagle nesting habitat.

District Bald Eagle Rule Chronology



- June 12, 2008 – Governing Board approved initiation of rule development
- July 24, 2008 – Joint public workshop held with other water management districts and FDEP
- July 9, 2009 – Notice of rulemaking approved by Governing Board

Continued Protection for Bald Eagle

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The bald eagle nesting habitat will continue to be protected under District ERP rules because the eagle is a wetland dependent species.



Applicants must demonstrate that their proposed activities will not result in secondary impacts to the functions of wetlands or uplands for nesting of the Bald Eagle.

Statement of Estimated Regulatory Cost (SERC)

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- Average of 12.5 sites per year with bald eagle nests (2003 – 2008)
- Total of 75 ERP permits with bald eagle nests over that 5 year period
- Smaller buffer zone as indicated by wildlife agencies rules may result in some permit modifications being proposed
- No additional costs to District to implement
- No additional costs to applicants; any existing costs may be offset by increased availability of developable land outside of required buffers.

Comments from Interested Parties



- September 8, 2009 - Small Business Regulatory Advisory Council Questions
 - District's authority to regulated "upland" habitat of the bald eagle (Section 4.2.7 BOR – Secondary impacts)
 - Is there any overlap or usurpation of FWC or Federal rules regarding of protection of bald eagle? (No overlap or usurping. District allows applicants to use FWC Bald eagle guidelines to demonstrate no adverse secondary impact to Bald eagle nesting habitat)

Recommendation



Adopt amendments to Rules 40E-4.021 and 40E-4.091, F.A.C., and the Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District, to implement changes in the listing status of the bald eagle consistent with the Florida Fish and Wildlife Conservation Commission (FWC) delisting, address secondary impacts to functions of wetlands or uplands for nesting, and to update rule citations in coordination with the other water management districts and the Florida Department of Environmental Protection (FDEP).